

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DENISE ANN ROUSSIN,

Plaintiff,

v.

Case No.: 2:20-cv-905-SPC-MRM

COMMISSIONER OF SOCIAL
SECURITY and UNITED STATES
ATTORNEY,

Defendants.

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 25](#)) on Plaintiff's Unopposed Petition for EAJA Fees Pursuant to [28 U.S.C. § 2412\(d\)](#) ([Doc. 24](#)). Judge McCoy recommends granting in part and denying in part the Motion. Neither party objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge "may accept, reject, or modify, in whole or in part," the magistrate judge's R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence

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of specific objections, there is no requirement that a district judge review the R&R *de novo*. See *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., *Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) "an error occurred"; (2) "the error was plain"; (3) "it affected substantial rights"; and (4) "not correcting the error would seriously affect the fairness of the judicial proceedings." *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

After examining the file independently and upon considering Judge McCoy's findings and recommendations, the Court accepts and adopts the R&R.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. 25) is **ACCEPTED and ADOPTED** and incorporated into this Order.
2. Plaintiff's Unopposed Petition for EAJA Fees Pursuant to **28 U.S.C. § 2412(d)** (Doc. 24) is **GRANTED in part and DENIED in part**.
 - a. Plaintiff is **AWARDED** \$8,163.26 in attorney's fees, \$400 in costs, and \$22.80 in expenses.

- b. If the United States Department of Treasury determines that Plaintiff does not owe a federal debt, the Government may pay these fees and costs directly to Plaintiff's counsel.
- c. Plaintiff's request for \$12.00 in paralegal fees is denied.
3. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff for \$8,163.26 in attorney's fees, \$400 in costs, and \$22.80 in expenses.

DONE and **ORDERED** in Fort Myers, Florida on April 4, 2022.



Sheri Polster Chappell
SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record